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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,403	11/17/2003	Masaya Ohiro	2038-307	2029

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EXAMINER

VALENZA, JOSEPH E

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/714,403

Applicant(s)

OHIRO ET AL.

Examiner

Joseph Valenza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/17/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Claims 1, 3, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spatafora et al in view of Japanese reference '705.

While it has not been proven that the article being conveyed is critical to the operation of the system, it would have been obvious to replace the diaper of Spatafora et al with the diaper of Japanese reference '705. Note that, in Spatafora et al, 24 is a rotary base, the unillustrated shaft from motor 28 drives rotary base 24 via means 25 and 26, clamp halves 45 act as tables and heads 19 and clamp halves 44 alternately rotate the articles in opposite directions between pickup station 8 and delivery station 9. With regard to claims 3 and 4, the position of the article on the belt conveyors upstream and downstream of the rotary base is immaterial to the operation of the system as long as the articles downstream of the rotary base are alternately rotated in opposite directions from their position upstream of the rotary base.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spatafora et al in view of Japanese reference '705 and Osti et al.

It would have been obvious to replace jaws 44 and 45 of Spatafora et al in the structure of paragraph 1 with the teachings of suction heads 19, 20 of Osti et al.

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spatafora et al in view of Japanese reference '705 and Sumi et al.

It would have been obvious that the upstream conveyor (claim 5) and the downstream conveyor (claim 6) could be provided with suction as taught by column 4

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lines 57-65 and upstream 11A and downstream conveyors 12A of figure 1B of Sumi et al.

4. In claim 1 filed in the preliminary amendment, line 16 "arid" should be -and- and in line 26 "900" should be -90°-.

5. Any inquiry concerning this communication should be directed to Joseph E. Valenza at telephone number (703) 308-2577. Amendments may be faxed to (703) 872-9306. My normal work week is Monday through Thursday.

A handwritten signature in cursive script that reads "Joseph E. Valenza".

JOSEPH E. VA,  
PRIMARY EXA

JOSEPH E. VALENZA  
PRIMARY EXAMINER